

Amendment No. 1 to SB1872

**Kilby
Signature of Sponsor**

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AMEND Senate Bill No. 1872

House Bill No. 894*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1009, is amended by adding the following language as new, appropriately designated subsections:

() "Open space land" as defined in Section 67-5-1004 that comprises at least fifteen (15) contiguous acres may also qualify for classification as an open space easement if the owner donates an open space easement to a qualified conservation organization and the donee organization accepts the easement in writing. A qualified conservation organization is a nonprofit organization that is approved by the Tennessee heritage conservation trust fund board of trustees and meets the eligibility criteria established by the trustees for recipients of trust fund grants or loans. Any portion of the land that is in actual use as a home site or any other non-open space use shall not qualify as "open space land" for purposes of this section. If the owner of the land reserves a portion of the land for future development, construction of improvements for private use, or any other non-open space use, then that portion shall lose eligibility as "open space land" upon commencement of such non-open space use and the owner shall pay to the affected county and city the property taxes saved as a result of the open space classification of that portion of the land and an additional amount equal to ten percent (10%) of the taxes saved. Any written agreement for easement entered into after the effective date of this act must contain a disclosure that rollback taxes may be due if the easement is cancelled.

() Any owner of open space easement land who seeks to have the land classified for assessment pursuant to this part, shall apply to the assessor as

provided in Section 67-5-1007(b) and record a copy of the easement and the donee's written acceptance with the register of deeds.

SECTION 2. Tennessee Code Annotated, Section 67-5-1009(a), is amended by deleting the following language:

Where an open space easement as defined in § 67-5-1004 has been executed and recorded for the benefit of a local government or as provided in § 11-15-107

and by substituting instead the following language:

Where an open space easement as defined in § 67-5-1004 has been executed and recorded for the benefit of a local government or a qualified conservation organization as provided in this section or as provided in § 11-15-107

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.